Remarks:

Claims 15-25 remain for consideration in this application with claim 15 being in independent format. In view of the claims as they now stand, together with the remarks hereunder, the rejections of the April 20, 2005 office action must respectfully be traversed.

In the office action, the drawings were objected to because it appeared to the Examiner that portions of the y-axis on both Figs. 1 and 2 were cut off. Replacement drawings for Figs. 1 and 2 have been provided. However, Applicants assert that the originally filed drawings were complete, and the Examiner is invited to clarify the objection if the data on the currently presented drawings remains unclear.

Claim 15 was objected to for being unclear and/or for containing improper language. Specifically, the phrase "consisting of nothing" was objected to as being improper. The phrase "consisting of nothing" merely means that the functional group is not present or is non-existent. In light of this explanation, Applicants have not amended this claim and assert that such language is acceptable. Claim 25 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically the claimed application rate of "5ppm" was objected to for not being defined in the specification. "ppm" is merely the abbreviation for "parts per million," which is a standardized measurement utilized in various industries. In the fertilizer industry, fertilizer application recommendations are given as either parts per million or in pounds or ounces of a fertilizer formulation per 100 gallons water. Similar to other common measurements like grams and meters, ppm does not require a precise definition in order for the rate of application to be understood by those using the claimed

composition. Applicants are willing to provide a signed declaration from one of the inventions attesting to the fact that "ppm" is a standardized rate commonly understood in the art, if the term remains unclear.

Claims 15-16, 19-20, and 22-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen et al. (US 3,265,629). Jensen discloses a method of coating an active core using phase separation. The method taught by Jensen discloses the presence of an inner lipid layer surrounding an active core, which can be a fertilizer product, and an outer layer surrounding the inner layer and core. In contrast, independent claim 15 has been amended to recite that the polymer is in intimate contact with the fertilizer product. Support for this amendment can be found in the Specification at page 7, line 21. Because it is the outer layer in Jensen that could be a polymer and because this polymeric lawyer is separated from the fertilizer by the inner lipid layer, it cannot be said that Jensen teaches or even suggests having the fertilizer product be in intimate contact with the outer polymeric layer. In fact, the exact opposite teaching is given in Jensen because precoating the active core with the inner lipid layer is essential to successfully encapsulating the core using the method taught by Jensen. (See column 1, lines 23-46). Accordingly, there is also no motivation to modify the teachings of Jensen to arrive at a single polymeric layer in intimate contact with the fertilizer product, as recited in the present invention.

Further, Applicants assert that the coatings disclosed by Jensen are not substantially water-soluble like those of the present invention, because Jensen specifically recites that the disclosed coatings have the "unique characteristics" of being hydrophilic in nature, while at the same time not being dissolved by water (See column 2, lines 13-19). Therefore, not only does Jensen not disclose

a method of using a single polymeric layer in intimate contact with the fertilizer product, it also specifically teaches away from using substantially water-soluble materials for the fertilizer coating. The polymers of the present invention are therefore, not taught or suggested by Jensen, and accordingly it cannot be said that the composition of the present invention is obviated by Jensen.

Claims15-25 were rejected under 35 U.S.C. 103(a) as being obvious over Sanders et al. (US 6,596,831 or US 6,525,155). Attached hereto are Declarations from the Vice-President of Specialty Fertilizer Products, LLC and John L. Sanders, co-owners of both Sanders patents and also of the instant application. These Declarations establish that the subject matter of the '831 and '155 patents and the presently claimed invention were, at the time the invention was made, owned by the same entities or subject to an obligation of assignment to the same entities, and that the inventor of the present invention is a prior inventor under 35 U.S.C. 104. A Terminal Disclaimer is also attached as required by 37 C.F.R. 1.130(a) and 1.321(c) . Therefore, this rejection has been overcome.

Sanders et al. (US 6,525,155 and US 6,518,382) was also used as a basis for a double-patenting rejection. The '155 and '382 patents are commonly owned with the present application, and Applicants have attached a Terminal Disclaimer executed by the agent which overcomes this rejection. Accordingly, the Sanders references are not a bar to the patentability of the present invention.

Claims 15-25 were provisionally rejected under double-patenting as being unpatentable over copending Application No. 10/708,653. Because this is a provisional rejection, Applicants will respond should the application mature into a patent and become the basis for an actual rejection on the same ground. In such case, Applicants will take appropriate action at such time as required by

the rejection.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

By 

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